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White faces pressure over voter registration rollout

By Adrianna Pitrelli
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SPRINGFIELD — A group of voting rights advocates contend Illinois Secretary of State Jesse White has not properly implemented a new automatic voter registration law, and they've taken the early steps needed to initiate a federal lawsuit.

The group, known as Just Democracy Illinois, said White is five months behind launching the voter registration law signed into law by Gov. Bruce Rauner in 2017.

In a 10-page [letter](#) to White's office on Dec. 13, Just Democracy said he is violating both state and federal voter registration laws.

"The [secretary of state] has suggested that the "automatic" part of automatic voter registration will not be fully rolled out until next summer. In the meantime, the existing system used by [the secretary of state] violates both the [National Voter Registration Act] and the [Automatic Voter Registration] [s]tate," the letter says. "And the current plan for the eventual implementation of the [Automatic Voter Registration] [s]tate does not fix these violations; instead, it compounds them.

The automatic voter registration bill that would have automatically registered eligible Illinoisans to vote unless they take action to "opt out" of registration passed through the General Assembly unanimously and was signed by the governor last year.

The new registration system was supposed to start July 1, but White's office said it won't be fully implemented until mid-2019.

The first part of the program, released in early July, updated the voter registration process from a paper-based system to an electronic one, but didn't implement the "opt out" automatic registration required by the recent law.

Nearly 187,000 citizens have been registered to vote since July 1 through the state's automatic voter registration system, according to a state Board of Elections report.

Just Democracy, however, says the state has not fully implemented automatic voter registration because it hasn't added the opt-out policy. The opt-out policy allows anyone who interacts with a state agency the ability to opt out of automatically registering to vote or updating their voter information.

Henry Haupt, White's spokesman, said the office has met deadlines to comply with the law and that it is working as it should.

"We've doubled the number per month that have registered to vote," Haupt said in an interview. "Automatic voter registration is running and going well."

In the Board of Elections report, 186,804 people were automatically registered to vote between July 1 and Nov. 26. Of those, 60,976 were new registrations from people who never registered before. Nearly 10,500 registrations were rejected as duplicates.

Under federal statute, the organization cannot bring a civil action in federal court to enjoin the state into compliance until the end of a 90-day period after the state's chief election official receives written notice of the alleged violation. Just Democracy's letter indicated it was serving as the formal written notice to White.

"We hope the next ninety days lead to a resolution of these violations through demonstrable and concrete steps," the letter reads. "If, however, the State elects to continue down its current path, we will have no alternative but to initiate litigation at the conclusion of the waiting period provided for under the [National Voter Registration Act]."

The secretary of state's office plans to speak with Just Democracy in the weeks to come.

"We want to work with them, and we've made that clear," Haupt said. "We share the same common goal."

The letter included a listing of attorneys representing the Just Democracy coalition.

Serving as lead counsel from the Chicago Lawyers' Committee for Civil Rights are Ami D. Gandhi, the committee's director of voting and civic empowerment, and attorneys Aneel L. Chablani and Jennifer S. Terrell.

Serving as co-counsel are attorneys Niyati Sha and Eri Andriola of Washington, D.C.-based Asian Americans Advancing Justice, along with California-based attorneys Deanna Kitamura, Eileen Ma and Nicole Gon Ochi from Asian Americans Advancing Justice-LA.

Additionally, the letter lists as co-counsel attorneys Charles F. Smith Jr., Brian S. Wallach, Michael Tomczyk, Natalie M. Gabrenya and Kenneth M. Thomas as co-counsel. These five lawyers all work for Skadden Arps Slate Meagher & Flom LLP, though no affiliation with the firm is mentioned in the letter.

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